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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SYNOPSY INC.,

Plaintiff,

vs.

RICOH COMPANY LTD.,

Defendant.

CASE NO. CV 03-02289-MJJ

**RICOH'S MOTION TO ADVANCE THE
CASE MANAGEMENT CONFERENCE**

**Date: Not Set
Time: Not Set
Courtroom: 11**

1 Defendant, Ricoh Company, Ltd. (Ricoh), seeks an Order from this Court under Local Rule 6-
2 3(a) to hold the Case Management Conference at a date to be set by the Court which is earlier than the
3 presently scheduled date of February 10, 2004.

4 Plaintiff's counsel has stated they have no objection in principle to an earlier Case Management
5 Conference.

6 **RELIEF REQUESTED**

7 Specifically, Ricoh seeks an Order from this Court scheduling the Case Management Conference
8 at a date earlier than the presently scheduled date of February 10, 2004. Ricoh proposes the Case
9 Management Conference be rescheduled for December 9, 2003 when counsel for all parties will be
10 present to argue a pending motion.

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **I. STATEMENT OF ISSUE TO BE DECIDED**

13 *Whether this Court should schedule the Case Management Conference at a date earlier than the*
14 *presently scheduled date?*

15 **II. ARGUMENT**

16 This case is related to another case now before this Court, *Ricoh Company Ltd v. Aeroflex, Inc. et*
17 *al*, CV 03-04669-MJJ. The *Ricoh v. Aeroflex* case was begun in Delaware in January 2003. After a
18 Case Management Conference was held in Delaware (a copy of the resulting Scheduling Order is
19 attached to the Meilman Declaration as Exhibit A) and discovery was ongoing for months, the action
20 was transferred to this Court. After being received in the Northern District of California, the case
21 transferred within the District several times and is now assigned to Judge Jenkins because it is a related
22 case. Case Management Conference notices by the clerk of this court were issued and vacated as
23 transfers within this District took place - - the Case Management Conference in this District is now
24 scheduled for February 10, 2004. A motion to advance the Conference is being concurrently made in
25 the case.

1 The Case Management Conference in the above-captioned case was originally scheduled for
2 September 16, 2003. The Conference was subsequently rescheduled multiples times and became set for
3 hearing on October 28, 2003, and the parties prepared and filed a Joint Case Management Conference
4 Report. The October 28, 2003 date was then rescheduled and the Case Management Conference is now
5 set for February 10, 2004, five (5) months after the original date.

6 In their motion to transfer to this Court, the defendants in *Ricoh v. Aeroflex* asked the Delaware
7 court to transfer the action here so that it could be consolidated with this *Synopsys v. Ricoh* action; Ricoh
8 hereby joins in the suggestion for consolidation. While consolidation has not yet taken place, the
9 defendants in *Ricoh v. Aeroflex* have filed a motion to stay that case in its entirety which is scheduled to
10 be heard on December 9, 2003. Ricoh is opposing that motion on many grounds, including, *inter alia*,
11 the need for discovery of those defendants in the present case even if a stay is granted and that even if
12 Synopsys prevails in this action, the issues in the *Aeroflex* action will not necessarily be resolved,
13 requiring that case to be reactivated anew after a delay of more than one year.

14 Ricoh submits that holding a Case Management Conference in this action concurrently with that
15 in *Ricoh v. Aeroflex* is clearly appropriate. Accordingly, if the Case Management Conference in the
16 related action is advanced, the Case Management Conference in this action should also be advanced to
17 the same date and time. Ricoh proposes December 9, 2003 when the Court is scheduled to hear a
18 motion in the related matter and counsel for all parties in this and the related case will be before the
19 Court.

20 Even if a stay of the *Ricoh v. Aeroflex* case is granted, an earlier Case Management Conference
21 should be held. Synopsys announced its contention that it was the real party in interest and intended to
22 file a transfer motion at a court hearing in Delaware on May 16, 2003, although it then delayed for
23 almost a month before filing the motion to transfer (Meilman Declaration, paragraph 3 and Exh. B).
24 This dispute will thus have been effectively ongoing for almost nine months without a Conference by
25 the date of the currently scheduled Conference.
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1 **III CONCLUSION**

2 For the foregoing reasons, the Court should reset the date for the Case Management Conference
3 earlier than February 10, 2004, and preferably on December 9, 2003.
4

5
6 Dated: November 17, 2003

Respectfully submitted,

Ricoh Company, Ltd.

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